United Nations CMW/C/EGY/QPR/2

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
18 May 2017

Original: English
Arabic, English, French and Spanish only

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

List of issues prior to submission of the second periodic report of Egypt*

Section I

A. General information

1. Please provide information on the domestic legal framework regarding the Convention, including:

(a) The rank of the Convention in national law and whether the Convention has direct effect or is part of national law through implementing legislation;

(b) Information on the relevant national legislation of the State party regarding the protection of migrant workers and members of their families and on migration policies under the Convention, as well as on the state of emergency declared on 9 April 2017;

(c) Measures taken by the State party to harmonize its legislation with the provisions of the Convention, in particular its adoption of the 2012 Constitution, Law No. 88/2005 on the entry, residence and exit of foreigners, Decree No. 12025/2004 on citizenship, Law No. 111/1983 on emigration and the welfare of Egyptians abroad, the Labour Code, Decree No. 136/2003 on the conditions and procedures for granting work permits to foreigners, and Law No. 82/2016 on combating illegal migration and the smuggling of migrants, as well as measures to ensure that domestic migrant workers are taken into consideration in the new law on migration and the law amending the law on employment;

(d) An indication of whether the State party intends to withdraw or amend its reservations regarding articles 4 and 18 (6) of the Convention;

(e) The existence and scope of bilateral and multilateral agreements pertaining to the rights of migrant workers and members of their families under the Convention, and of readmission agreements, as applicable, particularly agreements concluded with Australia, Canada, the European Union, Jordan, Kuwait, Libya, Saudi Arabia, the United Arab Emirates and the United States of America. Please specify how those agreements protect migrant workers' rights in transit and destination countries, particularly concerning detention, repatriation, expulsion and family reunification procedures.

2. Please provide information on all policies and strategies relating to the rights of migrant workers and members of their families adopted by the State party, including information on specific, time-bound and measurable goals and targets to effectively

* Adopted by the Committee at its twenty-sixth session (3-13 April 2017).

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monitor progress in the implementation of the rights of migrant workers and members of their families in the State party. Please also provide information on resources allocated for the implementation of those rights and the results obtained. Please provide updated information on the International Organization for Migration project entitled "Empowering Governments to address complex migratory flows and protect migrants transiting to, through and from North Africa".

3. Please provide information on the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, including information on the available staffing and resources, as well as monitoring activities and follow-up procedures.

4. Please provide qualitative information and statistical data, disaggregated by sex, age, nationality and migration status, on labour migration flows to and from the State party, including returns, other labour migration-related issues and on children left behind by migrant parents. Please also provide qualitative and statistical data, or if precise data are not available, studies or estimates on migrant workers in an irregular situation in the State party and abroad. In addition, please provide information on measures taken by the State party to establish a coherent and comparable system of data collection on those issues, including measures aimed at making the information public.

5. Please indicate whether the State party has established an independent mechanism, such as a national human rights institution, that has the explicit mandate to independently monitor the human rights situation within the State party, including with regard to the rights of all migrant workers and members of their families under the Convention. Please also indicate whether the national human rights institution has been established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide information on complaint mechanisms and other services, including helplines, offered by the institution and indicate whether it conducts visits of detention centres for migrants and shelters for Egyptian migrants following repatriation from countries of employment or transit. Please also provide information on the human, technical and financial resources made available to the institution. Please further provide information on awareness-raising activities conducted by the State party among the general public and migrant workers, in both urban and rural areas, on the services offered by the institution, including the right to file a complaint directly with the institution.

6. Please provide information on the steps taken by the State party to promote and publicize the Convention and to increase awareness and understanding of its provisions among the general public, migrant workers and members of their families, employers, teachers, health workers, government officials, including local government officials, embassy and consulate personnel, law enforcement officials, border police, the judiciary, civil society and the media. Please indicate whether the media engages in the promotion of the Convention and if so, how, and the impact that has on the situation of migrant workers coming to and departing from the State party.

7. Please indicate what measures the State party has taken to promote training programmes on the rights of migrant workers and members of their families, including with regard to gender sensitivity and children's rights, for government staff who provide legal and consular assistance to migrant workers who are nationals of the State party abroad. Please provide information in particular on training concerning migration and related issues, including workplace abuse and exploitation, discrimination and cases of arrest, detention in prison or migration-related detention centres, placement in custody pending trial or detention in any other manner, subject to expulsion or repatriation. Please provide information on the measures taken to prevent and combat child trafficking and economic exploitation.

8. Please provide information on the cooperation and interaction between the State party, civil society organizations and other social partners working on the rights of migrant workers in relation to the implementation of the Convention. Please indicate whether and how representatives of civil society organizations and other stakeholders will be involved in preparing the replies to the present list of questions.

9. Please provide information on the existence of private employment agencies in the State party that recruit migrant workers to work abroad and on the laws, rules and regulations pertaining to private recruitment, in particular:

(a) Measures taken to provide information and training to migrant workers on their rights and obligations, and to protect against abusive employment situations;

(b) The role and responsibilities of recruitment agencies and their joint responsibility with the overseas employer for claims and liabilities that might arise in connection with the implementation of the employment contract, including wages, disability compensation, repatriation and death, including repatriation of the bodies of deceased migrant workers;

(c) An indication of whether recruitment agencies provide insurance to migrant workers to cover loss of life, disability and financial assistance caused by accidental bodily injury suffered while at work or related to work;

(d) Information relating to the issuing and renewal of licences by such employment agencies;

(e) Information on complaints lodged against recruitment agencies, on labour inspections conducted and on penalties and sanctions imposed in cases of non-compliance with the law;

(f) Measures taken by the State party to strengthen mechanisms to regulate and control private employment agencies and avoid situations in which such agencies act as intermediaries for abusive foreign recruiters.

B. Information relating to the articles of the Convention

1. General principles

10. Please indicate whether the provisions of the Convention have been directly applied by officials in the administration and if they have been invoked directly before the courts. If so, please provide examples. Please provide information on:

(a) The judicial and administrative entities competent to examine and decide on complaints by migrant workers and members of their families, including when they are non-documented or in an irregular situation, in case of a violation of their rights, particularly in the case of victims of torture, trafficking and sexual abuse;

(b) The number and type of complaints examined by such mechanisms in the past five years and their outcome, disaggregated by sex;

(c) Whether legal assistance and access to a public defence attorney was provided;

(d) Any redress, including compensation, provided to the victims of such violations;

(e) Any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

2. Part II of the Convention

11. Please clarify whether national legislation ensures that all migrant workers and members of their families have the rights provided for in the Convention without distinction of any kind, and whether national legislation covers all the prohibited grounds of discrimination enumerated in the Convention, including sex, language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status. Please provide information on all measures taken by the State party to ensure non-discrimination, both in law and in practice, against migrant workers and members of their families, including migrant workers in an irregular situation, particularly those from the Horn of Africa, the Sudan and the Syrian Arab Republic, as well as those rescued at sea.

3. Part III of the Convention

12. In the light of reports received by the Committee indicating that migrants in an irregular situation are subjected to physical and psychological violence, including sexual violence, extreme violence and life-threatening violence by the Egyptian authorities, in addition to degrading treatment and other forms of ill-treatment, please provide information on the measures taken to combat abuse and exploitation of migrant workers and members of their families, including migrant workers in an irregular situation, particularly those working in agriculture, service and production-related professions and the domestic sphere. Please also provide information on any cases identified in the State party of domestic servitude, forced labour and sexual exploitation, including commercial sexual exploitation, involving migrant workers, particularly women and children, especially in the context of sex tourism, and on measures taken to prevent and combat those phenomena.

13. Please provide information on any cases identified in the State party of racism and xenophobia, discrimination, ill-treatment and violence directed at migrant workers and members of their families. Please also provide information on normative, institutional and procedural measures adopted by the State party to prevent and combat all forms of racism, xenophobia, discrimination, ill-treatment and violence and to protect the rights of the victims, including their right to access to justice. Please include quantitative and qualitative information on the types of discrimination and xenophobia identified in the State party.

14. Please provide detailed information on measures taken to investigate allegations of harassment, corruption and abuse of authority by law enforcement officials, including allegations of extortion and arbitrary detention, with regard to migrant workers and members of their families. Please indicate the number of law enforcement officials who have been investigated, prosecuted and convicted in that regard, specifying the nature of the charges and sentences imposed. Please provide information on mechanisms competent to examine and decide on complaints by migrant workers and members of their families in case of abuse by public servants other than law enforcement officials and by employers in the private sector.

15. Please indicate the measures taken by the State party to ensure that the rights of migrant children, particularly those who are unaccompanied or in an irregular situation or are transiting through the State party, are respected. Please also indicate the measures taken by the State party to ensure that those children are protected from all forms of exploitation, including the practice of forcing young girls and boys into "temporary marriages" in order to gain entry into the country or to avoid the procedural application of refugee status. Please provide information on any measures taken to prevent disappearances of migrant workers and members of their families, particularly unaccompanied children, from asylum centres.

16. In the light of reports of hundreds of deaths of refugees, asylum seekers and migrants of different nationalities when their boats capsized after setting out from Egypt between January 2015 and March 2017 and of hundreds of others who were detained while seeking to cross the Mediterranean Sea, please provide information on the measures taken by the State party to respect the principle of non-refoulement and to refrain from rejecting any migrants at borders or forcibly returning them arbitrarily when that would expose them to the threat of persecution or torture. Please also provide information on the measures taken to strengthen the State party's search and rescue at sea services and assistance to families with the identification and repatriation of their relatives' bodies. Please further provide information on cooperation with countries of origin, through public or private institutions, to support migrant workers' families.

17. Please describe the due process safeguards, including access to a lawyer and an interpreter, in situations of investigation, arrest and detention of migrant workers and members of their families for criminal offences and administrative infractions, including immigration-related matters. Please indicate whether there are any measures in place to ensure compliance with the obligations contained in article 16 (7) of the Convention regarding contact with consular or diplomatic authorities of the State of origin of detained migrant workers or members of their families, at their request. Please provide information on specific due process guarantees for unaccompanied children, including the right to be heard and the right to a guardian.

18. Please indicate whether the State party has taken measures to ensure the right to liberty of migrant workers and members of their families in the context of migration administrative procedures, including entry, residence and expulsion. Please provide information, including statistical data, on alternatives to detention for immigration-related matters. If the State party detains migrant workers and members of their families for immigration-related matters, please provide detailed information on migration detention centres, conditions of detention for migrant workers and efforts to improve those conditions. Please indicate whether:

(a) Persons detained for immigration reasons are held in separate facilities or together with convicted persons or persons detained pending trial;

(b) Measures to ensure that alternatives to the detention of children exist in the State party in law and in practice, including alternatives for unaccompanied children and families with children. In cases in which alternatives are not used, please provide information on the grounds and conditions of detention, including whether children are separated from adults, and on measures taken to ensure that the best interests of the child are fully taken into account;

(c) Women detainees are supervised by female personnel;

(d) Family-friendly facilities are provided for families where possible and appropriate;

(e) Victims of human trafficking, including witnesses, are identified and provided with protection.

19. In the light of reports received by the Committee indicating that migrant domestic workers have had their passports withheld by employers and that the State party has, in breach of the principle of non-refoulement, expelled undocumented Syrian nationals, including families and unaccompanied children, please provide information on deportations and cases of collective or arbitrary expulsion. Please also provide information on the legal grounds on which migrant workers may be expelled from the State party. Please include information on the measures taken by the State party to ensure that its migration control procedures safeguard the rights of vulnerable groups and individuals, such as children, women and persons fleeing violence and conflict in their own countries.

20. Please provide information on the policies and practices of the State party regarding assistance to its nationals who work abroad, especially regarding the recent ban on travel to Libya. Please indicate which consular services are provided to Egyptian workers and members of their families abroad, including those in an irregular situation. Please provide statistics on and examples of the legal assistance provided and indicate whether due process is observed, including in detention and expulsion cases. Please comment on the policies applied to families with Libyan and Egyptian members who wish to travel to Libya.

21. Please indicate what measures the State party has taken to guarantee that children of migrant workers and migrant children in an irregular situation are systematically registered at birth, issued with personal identity documents and attributed their nationality of origin. Please provide information on the specific measures taken to ensure that children of migrant workers have full access to education and health care, regardless of their migration status. Please indicate whether children of migrant workers, including those who are undocumented or in an irregular situation, have equal access to primary and secondary education as children of Egyptian citizens.

4. Part IV of the Convention

22. Please describe the measures taken prior to their departure to fully inform migrant workers and members of their families of all the conditions applicable to their admission, stay and remunerated activities in which they may engage, as well as applicable legislation in the State of employment. Please provide information on the measures taken to ensure that migrant workers enjoy treatment not less favourable than that which applies to nationals of the State party in respect of employment and work conditions.

23. Please provide information on the measures taken by the State party to review its legal framework concerning voting rights and the right to be elected at elections by Egyptian migrant workers and members of their families residing abroad, and the effective implementation of that framework. Please also provide information on the steps the State party has taken to facilitate the exercise of those rights for Egyptian migrant workers and members of their families residing abroad.

24. Please provide information on the applicable legal framework in place to ensure the right of migrant workers to transfer their earnings and savings from the State of employment to the State of origin.

5. Part VI of the Convention

25. Please provide information on mechanisms and procedures to facilitate the identification of persons in need of international assistance and protection among migrants upon their arrival in the State party. Please indicate the measures taken and efforts made to facilitate the safe and sustainable return of Egyptian migrant workers and members of their families, particularly regarding their long-term economic, social and cultural reintegration. Please provide information on legislation concerning the recognition of occupational qualifications acquired outside the State party's territory and on other measures taken to assist returning migrant workers, as well as measures to facilitate the transfer of social security and retirement benefits earned abroad.

26. Please provide information on measures taken to address the phenomenon of children left behind by a parent or parents going abroad for work, which can disrupt children's education and cause neglect, abandonment, abuse and exploitation, including sexual abuse, alcohol abuse, child labour, child and forced marriage and trafficking, and to ensure that such children are appropriately protected and cared for. Please also provide information on policies and programmes in place to ensure a safe environment in foster care for children who are left behind. Please further provide information on the measures taken to prevent children, adolescents and young adults from having to leave the country. Please indicate whether unaccompanied children and migrant children in an irregular situation are appointed free legal guardians and have the right to be heard in their cases.

27. Please provide information on the legislation regarding human trafficking and smuggling, particularly the 2015 anti-human smuggling law. Please also provide information on any national mechanisms or measures that have been implemented to prevent and combat smuggling and trafficking of migrants, and describe the impact of those measures. Please indicate whether any impact assessment has been undertaken of the second national action plan against human trafficking (2013-2015) and, if so, provide information on the outcome. Please describe the measures that have been taken to prosecute and punish traffickers, and provide detailed information on efforts made to systematically compile disaggregated data on trafficking in persons, and on the number of reported cases of trafficking in persons, investigations, prosecutions and the sentences imposed on perpetrators. Please provide information on any anti-trafficking training or guidance that has been provided for law enforcement personnel, judicial officials, social workers, health-care providers and border guards.

28. Please describe the measures taken by the State party, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to its nationals abroad, including efforts to promote the regularization of their situation.

Section II

29. The Committee invites the State party to provide information (in no more than three pages) regarding the protection of migrant workers and members of their families with respect to the following:

(a) Bills or laws, and their respective regulations;

(b) Institutions (and their mandates) or institutional reforms;

(c) Policies, programmes and action plans covering migration, and their scope and financing, including measures to implement commitments undertaken in the 2016 New York Declaration for Refugees and Migrants;

(d) Recent ratifications of human rights instruments, and other relevant instruments, including the conventions of the International Labour Organization;

(e) Recent comprehensive studies on the situation of migrant workers and members of their families.

Section III

Data, official estimates, statistics and other information, if available

30. Please provide, if available, updated disaggregated statistical data and qualitative information for the past three years on:

(a) The volume and nature of migratory flows to and from the State party since the Convention entered into force in the State party;

(b) Migrant workers in detention in the State party and migrant workers who are nationals of the State party and are detained abroad in States of employment, and whether such detention is immigration-related;

(c) Migrant workers and members of their families who have been expelled from the State party;

(d) The number of non-accompanied migrant children or migrant children separated from their parents in the State party;

(e) Remittances received from nationals of the State party working abroad;

(f) Reported cases of trafficking in and smuggling of migrants, investigations, prosecutions and sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking);

(g) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States;

(h) Migrant workers in an irregular situation and members of their families who have been expelled or are subject to expulsion procedures;

(i) The number of Egyptian migrant workers who have returned to the country;

(j) The number of stateless and undocumented persons residing in the country, disaggregated by sex.

31. Please provide any additional information on any important developments and measures to implement the Convention relating to the protection of the rights of migrant workers and members of their families that are considered a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

32. Please submit an updated core document in line with the harmonized guidelines on reporting (HRI/GEN/2/Rev.6). In accordance with General Assembly resolution 68/268, paragraph 16, the common core document should not exceed 42,400 words.